

|   |  |                             |
|---|--|-----------------------------|
| <b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>  |  | Docket Number<br>Q76376     |
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]<br>on _____ | Application Number<br>10/629,717                                 | Filed<br>July 30, 2003      |
|   | Confirmation Number: 6839<br>First Named Inventor<br>Dae-gyu BAE |                             |
| Signature<br>Typed or printed name  | Art Unit<br>2427   | Examiner<br>Ben Ingvaldstad |

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated on the attached sheet(s).  
Note: No more than five (5) pages may be provided.

☒ The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

**CORRESPONDENCE ADDRESS**

*Direct all correspondence to the address for SUGHRUE MION, PLLC filed under the Customer Number listed below:*

WASHINGTON OFFICE  
23373  
CUSTOMER NUMBER

I am the

|  |   |
|--|---|
| <input type="checkbox"/> applicant/inventor.<br><br><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71.<br><input type="checkbox"/> Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)<br><input checked="" type="checkbox"/> attorney or agent of record.<br>Registration number 51,361<br><br><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34.<br>Registration number if acting under 37 CFR 1.34 _____ | _____<br>/Ruthleen E. Uy/<br>Signature<br>_____<br>Ruthleen E. Uy<br>Typed or printed name<br>_____<br>(202) 293-7060<br>Telephone number<br>_____<br>November 24, 2010<br>Date |
|--|---|

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

|   |
|---|
| <input checked="" type="checkbox"/> *Total of <u>  1  </u> form is submitted. |
|---|

**PATENT APPLICATION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q76376

Dae-gyu BAE, et al.

Appln. No.: 10/629,717

Group Art Unit: 2427

Confirmation No.: 6839

Examiner: Ben Ingvaldstad

Filed: July 30, 2003

For: APPARATUS AND METHOD FOR TRANSMITTING AND RECEIVING  
MULTIMEDIA BROADCASTING USING REFERENCE CLOCK VALUE

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

**MAIL STOP AF - PATENTS**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to the Pre-Appeal Brief Conference Pilot Program, and further to the Examiner's Final Office Action dated August 24, 2010, Applicant files this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

Applicant turns now to the rejections at issue: Claims 1, 3-6, 8-17, 19-22 and 24-38 are all the claims pending in the application.

**Claims 1, 3, 5, 17, 19, 21, 35, 36 and 38 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Piotrowski (US 2002/0188959) in view of Kuzma (US 5,889,950) and further in view of Eng (US 5,963,557).**

Applicant submits that Piotrowski does not teach or suggest the claimed "multimedia document generator/transmitter, which generates and transmits a multimedia document scheduled at the generated reference clock value." The Examiner asserts that Piotrowski teaches this aspect of the invention at paragraphs [0024] and [30-40].

Piotrowski discloses supplemental multimedia information 13 which can include additional audio sound tracks 15 and visual information 16 for a video/multimedia program 14. See paragraph [0024]. Further, Piotrowski discloses that using SMIL, media components are named for text, images, audio and video with URLs and to schedule their presentation in parallel or in sequence. See paragraph [0032]. The components have different media types and the

begin and end times of different components are specified relative to events in other media components.

However, there is no teaching or suggestion of the claimed multimedia document generator/transmitter, which generates and transmits a multimedia document scheduled at the generated reference clock value (the reference clock generator/transmitter, generates and transmits a reference clock value, which is a current time value of real-time multimedia broadcasting at the transmission and reception locations). Piotrowski merely discloses that begin and end times of different components are specified relative to events in other media components.

On page 2 of the Advisory Action, the Examiner states that Piotrowski does not specifically mention a broadcast transmitter, but the presence of a broadcast transmission implies a broadcast transmitter. However, Applicants submits that since Piotrowski does not teach or suggest a broadcast transmitter, Piotrowski cannot consequently teach or suggest or be used in combination with other art to teach or suggest a multimedia document generator/transmitter, which generates and transmits a multimedia document scheduled at the generated reference clock value.

On page 3 of the Final Office Action, the Examiner asserts that Kuzma teaches a national or local source and the broadcaster uses time stamps included in a script to schedule the generation and transmission of a web page. The Examiner reasons that when the current time matches the scheduled broadcasting time, the document is generated and transmitted.

Kuzma is directed to scripting broadcast data relating to television programs and web pages. See col. 1, lines 5-10. Local affiliate networks who receive broadcast television material from a national source can insert local advertisements and programming at certain time slots during re-transmission of the broadcast material. See col. 1, lines 34-37. Local affiliates would like to determine when a national resource is broadcasting a web page, how many pages are being broadcast at a time and the content of the pages. See col. 2, lines 18-23.

The aspects of Kuzma cited by the Examiner describe encoding HTML web pages into a format compatible with signals of a first location. A time stamp is provided as a time reference as to when a program or web page is to be broadcast. A local affiliate may use the time stamp to determine when it may insert local programming.

However, contrary to the Examiner's assertions, Kuzma does not cure the deficiencies of Piotrowski. The time stamp, which the Examiner cites for teaching the claimed reference clock value, provides a time reference as to when a program or web page is to be broadcast. The time stamp does not teach or suggest **a current time value of real-time multimedia broadcasting at the transmission and reception locations**. Further, there is no teaching or suggestion of generating and transmitting a multimedia document (SMIL document) scheduled at the generated reference clock value.

On pages 3 and 4 of the Final Office Action, the Examiner asserts that Piotrowski clearly states building a SMIL multimedia document using various types of multimedia files. An exemplary embodiment of the invention generates and transmits a multimedia document scheduled at the generated reference clock value, and generates and transmits media data used to render the generated multimedia document. Specifically, a multimedia document generator/transmitter, generates and transmits a multimedia document scheduled at the generated reference clock value and a media data generator/transmitter, generates and transmits media data used to render the generated multimedia document. Therefore, the multimedia document and the media data are distinctly different elements. Accordingly, both the multimedia document and the media data, which are generated by distinctly different elements, cannot correspond to the same supplemental multimedia information of Piotrowski.

Furthermore, the video/TV program 14 is one-way broadcasting because it is one of many television programs broadcast or transmitted to the public. The supplemental multimedia information 13 is one-way broadcasting because it is only supplemental information subordinate to video/TV program 14. However, the claimed invention realizes two-way broadcasting, i.e., interactive broadcasting by generating and transmitting a reference clock value of real-time multimedia broadcasting, and then generating and transmitting a multimedia document scheduled at the generated reference clock value and then generating and transmitting media data used to render the generated multimedia document.

Merely because Piotrowski discloses double arrows from the SMIL documents and the PC and the SMIL documents and the intranet enabled device, does not teach the two-way broadcasting, i.e., interactive broadcasting by generating and transmitting a reference clock value of real-time multimedia broadcasting, and then generating and transmitting a

multimedia document scheduled at the generated reference clock value and then generating and transmitting media data used to render the generated multimedia document.

On page 2 of the Advisory Action, the Examiner asserts that Eng teaches that a “current time value” time stamp may be broadcasted in order to synchronize a clock between a broadcaster and a receiver, citing col. 17, lines 22-46 in support. Eng discloses an upstream synchronizer maintaining a system clock and periodically broadcasting time stamps of the system clock so that all station system clocks and the head end system clock are synchronized. Eng does not teach the claimed elements. Further, Eng does not cure the deficiencies of Piotrowski and Kuzma.

For at least the above reasons, claim 1 and its dependent claims should be deemed allowable. To the extent independent claims 6, 16, 17, 22, 32 and 33 recite similar subject matter, independent claims 6, 16, 17, 22, 32 and 33 and their dependent claims should be deemed allowable for at least the same reasons.

**Claims 6, 8, 10-15, 22, 24, 26-31, and 37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Piotrowski in view of Blackketter (US 6,415,438) and further in view of Eng.** As indicated above, to the extent independent claims 6 and 22 recite subject matter similar to claim 1, claims 6 and 22 and their dependent claims should be deemed allowable for at least the same reasons. Moreover, Eng does not cure the deficiencies of Piotrowski and Blackketter. Claims 8, 10-15, 24, 26-31, and 37 should be deemed allowable by virtue of their ~~dependent to~~ dependence on independent claims 6 and 22.

Further, Blackketter discloses an interactive television trigger which has a time attribute value which indicates a future time when the trigger is to be executed. See abstract. A receiver unit determines the future time from the time attribute and waits until the indicated future time. At the indicated future time, the receiver unit executes the trigger. See column 4, lines 56-60. The trigger can indicate a year, a month and a day. A time attribute value “T” indicates a wall-clock date and time. See column 5, lines 7-20. The received unit maintains an indication of the current date and time. See column 5, lines 22-30.

Blackketter discloses broadcasting the current date and time to the receiver so that the receiver, such as a WebTV<sup>®</sup> can maintain a current date and time. Assuming *arguendo*, Blackketter teaches a reference clock generator/transmitter, there is no teaching or suggestion of generating and transmitting a multimedia document scheduled at the generated reference clock

value, as recited in claim 1 (a multimedia document generator/transmitter, which generates and transmits a multimedia document scheduled at the generated reference clock value).

**Claims 16 and 32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Piotrowski in view of Kuzma in view of Blackketter and further in view of Eng.** To the extent claims 16 and 32 recite subject matter similar to claim 1, they should be deemed allowable for at least the same reasons. Further, Blackketter does not cure the deficiencies of Piotrowski, Kuzma and Eng.

**Claims 4, 20, 33, and 34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Piotrowski in view of Kuzma in view of Eng and further in view of the Real-Time Streaming Protocol Specification (RFC 2326).** Claims 4 and 20 should be deemed allowable by virtue of their dependency to independent claims 1 and 17 for at least the reasons set forth above. To the extent independent claim 33 recites subject matter similar to claim 1, claim 33 and its dependent claim 34 should be deemed allowable for at least the same reasons. Moreover, RFC 2326 does not cure the deficiencies of Piotrowski, Kuzma and Eng.

**Claims 9 and 25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Piotrowski in view of Blackketter in view of Eng and further in view of the Real-Time Streaming Protocol Specification (RFC 2326).** Claims 9 and 25 should be deemed allowable by virtue of their dependency to claims 6 and 22 for at least the reasons set forth above. Further, RFC 2326 does not cure the deficiencies of Piotrowski, Blackketter and Eng.

Respectfully submitted,

/Ruthleen E. Uy/

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

---

Ruthleen E. Uy  
Registration No. 51,361

Date: November 24, 2010